

# EXHIBIT 18



## Fields' Instagram posts depicting car running into crowd to be shown



Police say 20-year-old James Alex Fields drove his Dodge Challenger into a crowd of counter-protesters as they walked in the opposite direction on the street, killing 1 woman. (Source: Albemarle-Charlottesville County Regional Jail)

By **Jasmine Turner** | November 30, 2018 at 11:02 AM EST - Updated November 30 at 8:38 PM

CHARLOTTESVILLE, VA (WWBT) - The James Fields Jr. state murder trial entered day five on Friday as court documents reveal The Commonwealth plans to show two Instagram posts from Fields account months before the crash.

In those posts in May, a private message written by Fields said “When I see protesters blocking,” accompanied by a photo of a car running into people. The Commonwealth argues the photos show intent, motive and state of mind, while the defense, in court documents said memes, or photos like the ones posted, are generally amusing or interesting items not associated with crime or politics.

Fields of Maumee, Ohio, is charged with first-degree murder, as well malicious wounding, malicious assault and failure to stop - leaving the scene of an accident in the deadly Unite the Right Rally that killed Heather Heyer and injured nearly 20 other people.



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A second post, which was public at the time, read, "You Have the Right to Protest, But I'm Late for Work," accompanied by the same photograph of a car running into a group of people blocking the car.



This Instagram post will be used as evidence in the Fields trial. (Source: Commonwealth of Virginia)

WITNESSES:



**Forensic Detective Jeremy Carper** was the first to take the stand Friday, he says the Dodge Challenger Fields was driving as he plowed into a crowd, had a broken windshield and a missing passenger mirror. Det. Carper processes the scene of Fields arrest, where the front of the car was mangled. The mirror was later recovered and taken into evidence where brown stains and potential blood evidence was swabbed. The mirror itself was in an evidence bag that was shown in court. Det. Carper says potential blood evidence and soft tissue were found on the car and says a water bottle and sunglasses were among evidence collected, as well as cell phone from inside of the car. As the scene of the crash was processed, swabs of blood were taken from the streets. Several pieces of evidence, many of them swabs remained sealed, but were held up for jurors to see.

**Lizete Short** was driving a burgundy mini van with her 10 year old daughter, her 22 year old god daughter and 5 year old "god granddaughter" when they ended up at the intersection where counter protesters were marching. Short says she saw two groups that day, one group "did not look very friendly," had guns and were holding confederate flags. She rolled up the windows of the van at that point. After seeing that group, she could hear more people in the distance, and saw another group singing, chanting, laughing and all around happy near the Downtown Mall. She told jurors she felt comfortable to roll down the window again. Short described for the scene for the jury saying "the street was engulfed with people," she even got out of her car because she felt safe and started taking a photo of a moment in history. At one point Short, saw **Brian Henderson** who testified to be hit and injured in the crash. The two were familiar with one another and briefly spoke before the crash. The Commonwealth had Short point herself out in a photo taken of the crowd. She could be seen taking photos/filming. Eventually Short "heard something," and soon after she was hit by her own van, from the impact of the crash since the van was parked at the intersection. Short doesn't remember much after that, but says she was either dragged or lifted and was screaming, shaking and bleeding as she was asking for her family. She learned her god daughter had gotten the children out of the car safely.

**Tay Washington** was driving a silver Camry that day. Her sister was in the car and the two went by the Friendship Court neighborhood to see a friend who they learned was not home. Near Friendship Court, they saw people looking over a fence and became curious. Washington pulled over at one point to take a photo of the crowds. As she headed towards the Downtown Mall area, she says there were several roadblocks and barriers. Washington noticed a grey Challenger behind her, but didn't think much of it. She soon encountered the counter protesters again, chanting, and says they did not seem hostile. Washington told jurors "I've never seen so many white people standing up for black people," and described the scene as a "wow factor." Washington eventually had to stop at the same intersection as **Lizete Short**, as they waited for people to walk around their cars, she testified to noticing the Challenger slowly back up. When the crash happened, she heard a boom, and thought it was a bomb, and didn't realize her car had



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been hit. "Blanking out" for a second, Washington says when her vision corrected, she was scared, as she saw a woman sliding down her front windshield.

**Jean Peterson** has lived in Charlottesville ever since attending UVA in the early 2000's, and wanted to protest the alt-right on August 12th, 2017. After taking part in counter protests in the morning, before an unlawful assembly was declared, Peterson went with friends to Justice Park, where they got word that "the alt-right were harassing people of color at Friendship Court," and says activists headed to offer support. She led a group to Friendship Court where she says they were told everything was okay. When Peterson and others got to 4th and Water Streets, she described a joyful and celebratory mood, happy to be around like minded activists. She says they passed cars that were waiting at the intersection and then the crash "happened like that." Peterson told the jury she saw Heather Heyer flying in the air, and remembered seeing her eyes. After the crash, Peterson wondering why her legs weren't working, says her head was stabilized out of fear she might have been paralyzed by the impact. Photos of her injury were shown in court, Peterson taking deep breaths as she reviewed the photos. She suffered bruising all over her body, her right leg was crushed by the front and back tires of the car. It required 3 metal plates and roughly 18 screws, and some of her bones had to be removed, Peterson described it as doctors needing to piece her leg back together. She has gone through 5 surgeries and will need a 6th next year. At times, she struggles to move without assistance, in court she was aided to the witness stand by a bailiff and Senior Assistant Commonwealth's Attorney, Nina Alice-Antony, and also used a cane once her testimony concluded.

On what was supposed to be his last day with the Daily Progress in Charlottesville, **Ryan Kelly** was working as photojournalist on assignment covering the protests and counter-protests on August 12th, 2017. As counter protesters headed to 4th and Water Streets he followed the march taking photos. Kelly says he spotted the Challenger slowly back up in the downtown mall, thinking the driver was trying to get out of the area. Kelly told the jury he heard screeching tires, an engine revving, and the car sped past him as he held down the shutter and continued to take photos. As a photojournalist, he knew he needed to keep documenting and follow the car with his camera. At one point, Kelly was among several people who tried to chase the car down, but says it got away too fast. One of Kelly's photos shows crash victim, **Marcus Martin** in mid air, after Martin pushed his wife out of the way to save her. The defense questioned Kelly about whether or not he saw anyone strike the Challenger while he was taking photos, or if he saw brake lights on the car at any point. Kelly's photos have been seen all over the world. He won a Pulitzer Prize for breaking news photography in 2018.

**Wednesday Bowie** came to Charlottesville the night before the rally to participate as a counter protester. When the unlawful assembly was declared, she left with a group to another park, where counter protesters had filed for a permit to hold a rally. Only at the park for about 30 minutes, she says the group got word of a conflict near Friendship Court. They eventually ended

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up heading towards the downtown mall surrounded by a “celebratory mood,” as people chanted “whose streets? our streets!” Bowie noticed the two cars stopped at the intersection as the group continued to march, and eventually remembers seeing a flash of silver. She heard the crash, that sounded like a gunshot, and she immediately started running towards the car with a medic alongside her to help injured people. Bowie told jurors she made it 2 feet from the bumper of the car when the reverse lights came on and she was hung up on the trunk of the car. She was thrown into a parked truck, and knocked unconscious. After being pulled off the street, Bowie came to and remembers being in excruciating pain, bleeding with several lacerations, wanting to call her husband and hearing people screaming “medic!” over and over. Bowie’s pelvis was fractured and she needed emergency surgery, also learning that her right femoral artery has been torn by a piece of broken pelvic bone and she was suffering from internal bleeding. Her other injuries included road rash, a fractured right orbital socket, a broken tailbone and nerve damage from the orbital socket fracture. More than a year later Bowie cannot walk long distances or sit for long periods of time without pain. The defense asked Bowie if she saw anyone strike the car at any point, which Bowie replied with, she did not.

The Commonwealth’s final witness of the day, **Detective Steve Young**, is scheduled to continue testimony into the next week. Friday, he told the jury about retracing Fields movements from the day of the crash in their investigation of what led up to the crash. Detective Young says Fields got to Charlottesville from Ohio around 3 Am and surveillance shows him eating alone at a Waffle House dressed in a white polo shirt and khakis. Fields eventually parked at a McDonald’s and walked towards the downtown area. Detective Young spent much of his testimony reviewing video evidence from the day. At one point he identified specific victims in video of the crash, **Heather Heyer**, **Austin Hiudari**, a then student hit and injured, and who also testified Thursday , and **Jean Peterson**.

[ Jury seated, testimony begins in James Field Jr. trial ]

Testimony in Fields' trial began Thursday after three days of jury selection with the commonwealth calling seven people to the witness stand.

Most of the witnesses were cross examined by the defense who asked them to describe what was happening before they got to Water Street, and before the crashed happened. Most described the clashes, things being thrown in the air, and people dressed with helmets and shields

The 12-person jury and four alternates consist of seven men and nine women.

Testimonies will resume Monday morning.

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